

violence, and makes oath of such fact.
Adopted.

SENATOR TERRELL

Moved to substitute section 6, as follows:

6. When any person sues for the foreclosure of a mortgage or the enforcement of a lien on real estate, and makes oath that he fears the defendant or person in possession thereof will make use of such possession to injure such property, or waste or convert to his own use the timber, rents, fruits or revenue thereof.

Adopted.

SENATOR GREGG

Moved to amend by inserting in line 2, section 7, between the words "cloud" and "any," the words "upon the title to."

SENATOR GREGG

Spoke in favor of the amendment, and it was adopted.

As amended, the bill passed to engrossment.

SENATOR HOUSTON

Offered the following resolution.

Be it resolved by the Senate, the House of Representatives concurring, That the President of the Senate and the Speaker of the House be authorized to appoint a porter, whose duty it shall be to attend the Senate and House committee rooms, and perform such other work as the Sergeants-at-Arms of the two houses may direct.

SENATORS HOUSTON AND STINSON

Spoke in favor of the resolution and it was adopted.

BY SENATOR ARMISTEAD:

A bill to be entitled "An act to amend Article 4227, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas, so as to compel railway corporations to take, transport and deliver shipments within a reasonable time."

Referred to Committee on Internal Improvements.

On motion of Senator Lane,

The Senate adjourned until 10 o'clock Monday morning.

TWENTY-FOURTH DAY.

SENATE CHAMBER. }

AUSTIN, February 7, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,
The reading of the Journal of Saturday was dispensed with.

On motion of Senator Woods,

Senator Knittle was excused for to-day, on account of sickness.

On motion of Senator Camp,

Senator Pope was excused for to-day, on account of sickness.

On motion of Senator Bell,

Senator Stinson was excused indefinitely, on account of sickness.

PETITIONS AND MEMORIALS.

BY SENATOR CALHOUN:

Protest of the business men and citizens of Abilene, Texas, against the passage of the Moore insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR FIELD:

A petition from the colored citizens of Robertson county, praying that the State convicts be confined inside the walls of the penitentiaries, and also for the establishment of an industrial school for colored youths.

Referred to Committee on Penitentiaries.

BY SENATOR UPSHAW:

Protest of citizens of Comanche county against the Moore insurance bill.

Referred to Committee on Insurance, Statistics and History.

COMMITTEE REPORTS.

BY SENATOR BELL:

COMMITTEE ROOM. }

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 93, entitled "An act to amend Article 441, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to dispense with the very needless requirement that a judgment *nisi* shall state that it will be made final at the next term of the court unless good cause be shown why the defendant did not appear.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 183, entitled "An act to prevent and punish drunkenness," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that if any person be found drunk or in a state of intoxication, he shall be fined in any sum not less than five nor more than one hundred dollars, and is simply a re-enactment of Article 144a, of the Criminal Code, which is believed to be of no effect in consequence of the fact that the said Article has not been properly adopted.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judiciary No. 2, to whom was referred Senate bill No. 98, entitled "An act to amend 528, chapter 7, title 15, of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lie on the table subject to call of Senate as House bill No. 47, on which a favorable report has been formed by your committee relates to the same subject matter.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 80, entitled "An act to amend Article 564, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judiciary No. 2, to whom was referred House bill No. 47, entitled "An act to amend Article 528, chapter 7, title 15, of the Penal Code," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judiciary No. 2, to whom was referred House bill No. 53, entitled "An act to amend article 324, title 10, chapter 1, of the Penal Code," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to increase the punishment for bigamy to confinement in the penitentiary for a term not less than two nor more than five years. As the law now is, the punishment can not exceed three years and may not exceed one day, and frequently does not exceed six months.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judiciary No. 2, to whom was referred House bill No. 51, entitled "An act to amend Article 318, chapter 4, title 9, of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back with the accompanying amendment, and recommend that the bill, so amended, do pass.

The bill seeks to amend the law so as to include among the weapons which persons are prohibited from carrying, knuckles made of other metal besides brass.

All of which is respectfully submitted.

BELL, chairman.

COMMITTEE AMENDMENTS.

Strike out the word "fifty" in second

to the last line of the bill and insert in lieu thereof the word "twenty-five," and after the word "dollars," in the last line of the bill, add "and in addition thereto shall be confined in the county jail not less than thirty nor more than ninety days."

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 110, entitled "An act to amend Article 318, chapter 4, of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with House bill No. 51, which embraces the subject matter and is the same as the Senate bill.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 92, entitled "An act to amend Article 339, chapter 4, title 10, of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to change the definition of a disorderly house so as to include any house that is a common resort either for prostitutes or vagrants. The only change sought to be made in the law is the substitution of the word "on" for "and."

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 90, entitled "An act to amend Article 726, chapter 9, title 17, of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to define "taking" in the definition of theft, and provides that it shall be sufficient to constitute "taking" if property has been in possession of the thief but for a moment, so that he has sold it or otherwise disposed of the property without having it in his actual possession.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 457, entitled "An act to amend Article 541 of the Code of Criminal Procedure of the State of Texas, prescribing the manner in which recognizance and bail bonds may be forfeited," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 93, which is the same as this bill.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, February 5, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 91, entitled "An act to amend Article 849, chapter 1, title 10, of the Code of Criminal Procedure of the State of Texas," have had the same under consideration, and instruct me to report it back with the accompanying amendments, and to recommend that the bill so amended do pass. The object of the bill is to allow portions of the records of the trial of a case, or even the entire record when lost or destroyed, to be substituted in the lower court and provides that when so substituted the transcript may be prepared and sent up as in other cases.

All of which is respectfully submitted.

BELL, chairman.

COMMITTEE AMENDMENTS.

Strike out the words "before the transcript for appeal has been made out." After the words "as in other cases," add "and in such case the Court of Appeals shall continue the cause on its docket until after the next term of the court from which the appeal was

taken in order that the substitute may be made."

Bill read first time.

COMMITTEE ROOM.)

AUSTIN, February 5, 1887.)

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 99, entitled "An act to amend Article 684, of chapter 3, title 17, of the Penal Code of the State of Texas, by adding thereto Articles 684a and 684b," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill makes it penal and provides a punishment for those who wilfully strike with a stone or other missile a dwelling house of another. As the law is now, a mischievous boy or an evil disposed man, could disturb his neighbors by rocking their houses, and there is no law to punish him. This is a defect in our law which experience has pointed out and which your committee think should be remedied.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM.)

AUSTIN, February 5, 1887.)

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee, No. 2, to whom was referred Senate bill No. 132, have carefully considered the same, and instruct me to report it back to the Senate with the accompanying substitute, with the recommendation that the substitute do pass.

The change in the law which will be effected by the adoption of the bill will enable defendants who are separately indicted and prosecuted for the same offense, to have the one whose evidence is desired by the other, placed on trial first. This would make the law where there is a separate prosecution conform to the law as it now is when the parties are jointly indicted.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time, with substitute.

COMMITTEE ROOM.)

AUSTIN, February 5, 1887.)

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 127, entitled "An act to amend Article 137, of the Code of Criminal Pro-

cedure," have had the same under consideration, and instruct me to report it back to the Senate with the accompanying amendment, and to recommend that the bill so amended do pass.

The bill seeks to change the law so that after indictment found, a writ of habeas corpus may be made returnable upon the consent of the applicant for the writ, in some county other than that in which the prosecution is pending.

All of which is respectfully submitted.

BELL chairman.

Committee amendment amends by striking out all of article 137 after the words "in any other county in the State."

Bill read first time.

COMMITTEE ROOM.)

AUSTIN, February 5, 1887.)

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 96, entitled "An act to amend Article 786, chapter 16, title 17, of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The object of the bill is to amend the law on the subject of embezzlement so as to include bailees for hire among those by whom the offense can be committed; and also to so amend the statute that it will not be necessary to show in prosecutions for embezzlement that the embezzled property came into the possession of the defendant by virtue of the trust relationship. If that relationship existed at the time the property was fraudulently converted, no reason exists why the offense should not be complete.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM.)

AUSTIN, February 5, 1887.)

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 161, entitled "An act to amend chapter 3, title 9, of the Penal Code, by adding thereto 314a," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to prevent the use of indecent language and unchaste actions and exposures of person in the presence of any female over the age of four years, and provides a punishment by fine for its violation.

The law is now sufficient where such conduct occurs in a public place, or in or near a private house, and this bill seeks to extend the protection of the law to females elsewhere.

All of which is respectfully submitted.

BELL, chairman.

Bill read first time.

SENATOR GREGG

Asked to have the Journal corrected to show that he spoke against the adoption of the unfavorable committee report on Senate bill No. 69, and in favor of the bill instead of against the bill.

Journal corrected.

SENATOR ABERCROMBIE

Asked to have the Journal corrected on page 2, to show that it was the Committee on Enrolled Bills, and not Engrossed Bills, that reported Senate bill No. 21 properly enrolled, etc.

Journal corrected.

BILLS AND RESOLUTIONS.

BY SENATOR JARVIS:

A bill to be entitled "An act to amend an act to amend Article 4761 of the Revised Civil Statutes," approved April 24, 1879.

The bill requires collectors of taxes to pay over to the State Treasurer at the end of each month all moneys collected except the county taxes and commissions, and provides that they may, at their own risk, send the money by postoffice orders, bank checks, etc.

Referred to Judiciary Committee No. 1.

BY SENATOR ALLEN:

A bill to be entitled "An act to provide for teaching the nature and effects of alcoholic drinks and narcotics in the public free schools of Texas, and to authorize the Board of Education to select the text book therefor."

The bill makes provision by which the young, through the medium of free schools, early in life, may learn the evil effects of alcoholic drinks and narcotics on the physical and moral constitutions of men.

Referred to Committee on Education.

BY SENATOR WOODWARD:

Whereas: General August Buchel,

a soldier noted for bravery and daring in the early years of his life in the service of France, Turkey and Spain; and who, later, as an officer on General Taylor's staff, in our war with Mexico, by his gallantry won promotion on the field of battle; and who, in the evening of his life, as Lieutenant-Colonel, Colonel and Brigadier-General, served as a Texan soldier in our late war; and who, on the bloody field of Pleasant Hill, in 1864, gave his life for the cause he loved so well; and,

Whereas: His patriotism has endeared him to all the people of our State, and his courage and devotion to liberty has enshrined his memory in the hearts of every Texas soldier who followed his spotless banner in battle, therefore, be it

Resolved, By the Senate of the State of Texas, that we recommend that one of the new counties, now being made, be named "Buchel," in honor of General August Buchel.

Referred to Committee on Counties and County Boundaries.

BY SENATOR McDONALD:

A bill to be entitled "An act to repeal an act to amend Article 4360, of title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads except for the purpose of shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act," etc."

This bill places the law as it was originally under the present Constitution, and gives the commissioners' courts jurisdiction over public roads, to establish and alter the same, whether it be to shorten or lengthen.

Referred to Committee on Roads and Bridges.

And a bill to be entitled "An act to provide for the appointment of district and county clerks pro tem. in certain cases."

The bill provides that where district and county clerks are interested or become interested in suits pending in their courts, the judges of the district or county courts, as the case may be, may appoint clerks pro tem., and prescribes the manner of qualifying and the duties of such clerks pro tem.

Referred to Judiciary Committee No. 1.

BY SENATOR WOODWARD:

A bill to be entitled "An act for the relief of J. M. Crain."

Referred to the Committee on Private Land Claims.

BY SENATOR ABERCROMBIE:

A bill to be entitled "An act to amend Article 398, title 12, chapter 3, of the Penal Code of the State of Texas."

The bill provides for the filing of physicians' certificates with the clerk of the county court.

Referred to Judiciary Committee No. 1.

BY SENATOR HOUSTON:

A bill to be entitled "An act to amend Article 4823, title 97, of the Revised Civil Statutes of the State of Texas."

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 4823 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

"Article 4823. He shall also execute and deliver to the officer who made such levy, his bond, with two or more good and sufficient sureties, to be approved by such officer, payable to the plaintiff in such writ, for an amount equal to double the property so claimed, to be assessed by such officer; provided, however, that when more than one writ has been levied, said bond may be made payable to all plaintiffs in the various writs levied, and a separate bond in each writ shall not be required. If the claimant fails to establish his right to the property claimed, and to return the same as provided for by law, said bond shall insure pro rata to the benefit of all plaintiffs in the various writs levied, whether the same were levied before or after the approval of said bond."

Referred to Judiciary Committee No. 1.

BY SENATOR CLAIBORNE:

"An act to regulate the time and manner of catching or taking fish, oysters, crabs and shrimp within the limits of tide water on the coasts of Texas, and bayous, and in all the tributaries of tide water.

Referred to Committee on Commerce and Manufactures.

And

Senate joint resolution. "Amending Article 4, section 21, of the State Constitution of Texas," increasing salary of the Secretary of State to \$2,500 per annum and prescribes his duties.

Referred to Committee on Constitutional Amendments.

And

Senate joint resolution. "Amending Article 4, section 23, of the Constitution of the State of Texas," increas-

ing the salary of the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to \$3000 each per annum.

Referred to Committee on Constitutional Amendments.

And

Senate joint resolution. "Amending Article 4, section 5, of the State Constitution of the State of Texas," increasing the Governor's salary to \$5000 per annum.

Referred to Committee on Constitutional Amendments.

By leave

SENATOR HOUSTON

Sent up protest of the citizens of Graham against the Moore Insurance bill.

Referred to Committee on Insurance, Statistics and History.

BY SENATOR ARMISTEAD:

By leave:

Memorial of colored citizens of Marion county in favor of bill to establish industrial school for colored youths.

Referred to Committee on Education.

SENATOR FRANK

Sent up the following privileged reports:

COMMITTEE ROOM, }

AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 7, being "An act to prohibit and punish dealing in futures, and to punish persons for permitting their premises to be used to carry on such business," and to repeal an act entitled "An act to amend chapter 2, title 2, of the Penal Code of the State of Texas, adding thereto Article 354a, approved March 31, 1885," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }

AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 66, being "An act to amend Article 605, chapter 2, title 8, of the Code of Criminal Procedure of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }

AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and com-

pared Senate bill No. 15, being "An act to make it penal to use language, or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor," and find the same correctly engrossed.

FRANK, chairman.

Senate bill No. 62. A bill to be entitled "An act to prevent the unauthorized enclosure of land and to make the maintenance of existing unauthorized enclosures of such penal," was laid before the Senate as special order and read second time with committee substitute.

SENATOR LANE

Offered the following amendment:

Amend by adding at the end of line 6, on page 3, of section 9, the words "whenever so directed by the Attorney General."

SENATOR LANE

Spoke in favor of the amendment.

SENATORS BURNEY AND TERRELL

Spoke in opposition to the amendment.

SENATOR DOUGLASS OF JEFFERSON,

Moved to postpone the consideration of the bill until next Wednesday week, the 16th inst.

SENATOR HOUSTON

Opposed the motion to postpone.

SENATOR DOUGLASS OF JEFFERSON,

Spoke in favor of his motion, and it was adopted.

On motion of Senator Houston 150 copies of Senate bill No. 62, were ordered printed.

Senate bill No. 16. "An act to amend chapter 2, title 15, of the Penal Code of the State of Texas, by repealing Articles 547 and 548, and amending Article 549, of said chapter," was taken up in its regular order and read third time, and was passed.

Senate bill No. 40. "An act to amend chapter 18, of the Revised Civil Statutes by adding thereto Article 1379a, as to filing statement of facts in cases on appeal," was taken up and read third time.

SENATOR DOUGLASS OF JEFFERSON,
Moved to amend line 15 by striking out the words "may in their discretion," and insert in lieu thereof the word "shall."

Adopted by the following vote:

YEAS—21.

| | |
|--------------|-----------|
| Abercrombie, | Gregg, |
| Allen, | Harrison, |
| Armistead, | Jarvis, |
| Bell, | Lane, |
| Calhoun, | McDonald, |
| Camp, | Sinkins, |

| | |
|----------------|-----------|
| Claiborne, | Terrell. |
| Douglass of J, | Upshaw, |
| Douglass of G, | Woods, |
| Field, | Woodward. |
| Frank, | |

NAYS—none.

ABSENT—2.

Burney,

Houston.

The bill as amended was passed.

Senate bill No. 7: "An act to prohibit and punish dealing in futures, and to repeal an act entitled 'An act to amend chapter 2, title 2, of the Penal Code of the State of Texas,' adding thereto Article 354a, approved March 31, 1885," was taken up and read third time.

SENATOR SIMKINS

Offered the following amendment:

Amend section 1 by inserting the word "shall" after the second word "or" in line 3, of the engrossed bill, and also amend by inserting after the word "person" in line 5, the words "firm or corporation."

SENATOR M'DONALD

Favored the adoption of the amendment, and it was adopted by the following vote:

YEAS—22.

| | |
|----------------|-----------|
| Abercrombie, | Gregg, |
| Allen, | Harrison, |
| Armistead, | Houston, |
| Bell, | Jarvis, |
| Burney, | Lane, |
| Calhoun, | McDonald, |
| Camp, | Sinkins, |
| Douglass of J, | Terrell, |
| Douglass of G, | Upshaw, |
| Field, | Woods, |
| Frank, | Woodward. |

NAYS—none.

ABSENT—1.

Claiborne.

The bill as amended was passed.

Senate bill No. 51. "An act to make it penal to prevent or attempt to prevent any person from engaging or remaining in or performing the duties of any lawful employment, and to fix a penalty therefor," was taken up in its order and read third time.

SENATOR GREGG

Moved to amend by adding. "or by such fine without imprisonment.

SENATOR WOODS

Opposed the amendment.

SENATOR LANE

Offered the following substitute for the amendment:

Amend by striking out the word "and," in line 7 and inserting "or."

SENATOR GREGG:

Opposed the substitute and it was lost.

The amendment offered by Senator Gregg was adopted by the following vote:

YEAS—18.

| | |
|----------------|-----------|
| Abercrombie, | Gregg, |
| Allen, | Harrison, |
| Armistead, | Jarvis, |
| Bell, | Lane, |
| Camp, | McDonald, |
| Claiborne, | Simkins, |
| Douglass of J, | Terrell, |
| Field, | Upshaw, |
| Frank, | Woodward. |

NAYS—4.

| | |
|----------|----------------|
| Burney, | Douglass of G, |
| Calhoun, | Woods. |

ABSENT—1.

Houston.

SENATOR ALLEN

Offered the following amendment:

Strike out "or attempt to prevent," in line 3.

SENATORS BELL, GREGG AND SIMKINS

Opposed the adoption of the amendment.

SENATOR ALLEN

Spoke in favor of the amendment.

SENATOR LANE

Favored the amendment.

It was lost by the following vote:

YEAS—3.

| | |
|------------|-------|
| Allen, | Lane, |
| Claiborne, | |

NAYS—19.

| | |
|----------------|-----------|
| Abercrombie, | Gregg, |
| Armistead, | Harrison, |
| Bell, | Jarvis, |
| Burney, | McDonald, |
| Calhoun, | Simkins, |
| Camp, | Terrell, |
| Douglass of J, | Upshaw, |
| Douglass of G, | Woods, |
| Field, | Woodward. |
| Frank, | |

ABSENT—1.

Houston.

SENATOR DOUGLASS OF JEFFERSON

Offered the following amendment:

Amend by adding the word "hundred" after the word "one" in line 6.

SENATOR FRANK

Offered the following substitute for the amendment:

Amend by striking out the word "one," in line 6, and insert "twenty-five, and add thereafter the word "dollars."

Accepted, and adopted by the following vote:

YEAS—19.

| | |
|----------------|-----------|
| Abercrombie, | Gregg, |
| Allen, | Harrison, |
| Bell, | Jarvis, |
| Burney, | Lane, |
| Calhoun, | McDonald, |
| Claiborne, | Simkins, |
| Douglass of J, | Terrell, |
| Douglass of G, | Upshaw, |
| Field, | Woodward. |
| Frank, | |

NAYS—3.

| | |
|------------|--------|
| Armistead, | Woods. |
| Camp, | |

ABSENT—1.

Houston.

SENATOR SIMKINS

Offered the following amendment:

Amend by inserting after "employment," in line 5, the words, "affecting public convenience or safety."

SENATOR SIMKINS

Spoke in favor of the amendment.

SENATORS BELL AND M'DONALD

Opposed the amendment, and it was lost by the following vote:

YEAS—3.

| | |
|--------|----------|
| Field, | Simkins, |
| Lane, | |

NAYS—18.

| | |
|----------------|----------------|
| Abercrombie, | Douglass of G, |
| Allen, | Frank, |
| Armistead, | Gregg, |
| Bell, | Harrison, |
| Burney, | Jarvis, |
| Calhoun, | McDonald, |
| Camp, | Terrell, |
| Claiborne, | Woods, |
| Douglass of J, | Woodward. |

ABSENT—2.

| | |
|---------------------------------|---------|
| Houston, | Upshaw, |
| The bill as amended was passed. | |
| On motion of Senator Terrell, | |

SENATOR HOUSTON

Was excused for to-day on account of sickness.

Senate bill No. 50. "An act to require railway companies to give their employes notice before reducing their wages or discharging them, and to require employes before striking to give

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such companies notice of their intention to strike," was taken up and read second time with majority favorable committee report and amendments.

SENATOR LANE

Sent up the following minority report and had it read with the bill:

COMMITTEE ROOM. }
AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—We, the undersigned, a minority of Judiciary No. 1, to whom was referred Senate bill No. 50, beg leave to submit the following report and ask that it be adopted. I have carefully examined said bill and recommend that it do not pass.

I believe, that should a railway company under the provisions of section 1 of said bill, give notice to its employes that they were to be discharged, or that their wages were to be reduced at the expiration of thirty days from date of said notice, that it would be compelled to have its road run for thirty days by men who would be at enmity with the road, and in a position to do great and immeasurable injury both to the property of the company and shippers, and also, greatly endanger the lives of passengers; and I do not believe any such state of things should be brought about, or made possible, by law. We consider it of the utmost importance to the public that the best of feeling should exist between a railway company and the men who are to keep its track in repair and manage its trains, and that the railway companies ought to have the power to discharge immediately any man or number of men who are disposed to injure them. But I believe if said section should become a law, it would place the railway companies in such a condition that they would often keep in their employment inefficient and dangerous men.

I further believe that railway companies could and would avoid the effect of said section (if it should be a good law), by employing their men by the day and by making them specially waive the benefits of this law before they would engage them.

It seems to me that section 2 of said bill, if passed, would be entirely nugatory, because every hand in the employment of a company could just work at a given time without any agreement whatever susceptible of be-

ing proven, which could be managed through the medium of secret organizations to which none but the faithful are admitted. A mere sign from some one would cause them all to quit work without any agreement to do so, and the result would be innumerable little law suits, resulting in a great loss both to the company and the men.

But if in fact the law would be enforced, it would place the employes in some instances, at the mercy of the railway companies, for the companies could, and often would, so oppress their employes so as to compel them to quit work, and thus save to the company the whole of one months' wages, which, to many railways, would amount to a large sum of money, and result in a corresponding loss to the laborers.

Again, by the conditions of this bill, hundreds of thousands of dollars might be forfeited to either a railroad company or the employes of such company, on account of the commission of a supposed public wrong. While I believe that all fines for public wrongs should be payable to the State, and that the only proper way to control such matters is to make all public wrongs of individuals penal, and prescribe proper punishment for the commission of same, and that corporations should be controlled in such matters by forfeitures to the State.

I also doubt the constitutionality of this law, because it provides for the forfeiture of private property without due course of law.

For the above and many other reasons I believe the minority report should be adopted.

LANE.

On motion of Senator Bell, the further consideration of the bill was postponed and it was made the special order for next Monday after the morning call, and one hundred copies of the bill with majority (favorable) and minority (unfavorable) committee reports be printed.

Senate bill No. 73. "An act to amend Article 678, chapter 3, title 17, of the Penal Code was taken up and read second time with favorable committee report.

SENATOR TERRELL

Offered the following amendment.

Strike out word "other," in line 6.
Adopted.

SENATOR M'DONALD

Offered the following amendment:

Amend Section 1 by inserting after the word "railroad," in line 7, the

words "locomotive tender."

Adopted.

The bill as amended was passed to engrossment.

Senate bill No. 75. "An act to amend title 17, chapter 1, of the Revised Civil Statutes by adding thereto Articles 343a and 343b," was taken up and read second time, with unfavorable committee report.

On motion of Senator Terrell the committee report was adopted and the bill was lost.

Senate bill No. 76. "An act to amend Article 2235, of chapter 2, title 38, of the Revised Statutes of the State of Texas," was taken up and read second time, with favorable committee report.

SENATOR BELL

Spoke in favor of the bill.

SENATOR ABERCROMBIE

Opposed the bill.

SENATOR McDONALD

Spoke in favor of the bill.

SENATOR CALHOUN

Spoke in opposition to portions of the bill.

SENATOR ABERCROMBIE:

Offered the following amendment:

Amend by striking out all after the word "court" in line 14.

Senators Bell, Terrell and Gregg opposed the amendment.

Senators Burney, Abercrombie and Field spoke in support of the amendment.

SENATOR TERRELL

Spoke in favor of recommitting the bill, and moved its recommitment.

Withdrawn.

SENATOR HARRISON

Moved a call of the Senate, it appearing that no quorum was present.

Call sustained and Senators Douglass of Jefferson and Gregg were found to be absent without excuse. The Sergeant-at-Arms was dispatched to bring in the absent Senators.

SENATOR DOUGLASS OF JEFFERSON

Was announced at the door, and,

On motion of Senator Harrison, the call was suspended.

The amendment of Senator Abercrombie was adopted by the following vote:

YEAS—11.

| | |
|--------------|-----------|
| Abercrombie, | Harrison, |
| Armistead, | Jarvis, |
| Burney, | Laree, |

Camp,
Claiborne,
Field,

Upshaw,
Woodward.

NAYS—10.

| | |
|----------------|-----------|
| Allen, | Frank, |
| Bell, | McDonald, |
| Calhoun, | Simkins, |
| Douglass of J, | Terrell, |
| Douglass of G, | Woods. |

ABSENT—1.

Gregg.

SENATOR ALLEN

Sent the following to be inserted in the Journal:

I voted no on the amendment offered by Senator Abercrombie with the understanding that the bill would be recommitteed.

SENATOR McDONALD

Offered the following amendment:

Amend by striking out all after the second word "shall" in line 6, down to the word "court" in line 8, and insert the following: "Within one year after the same have been filed in court."

Pending discussion on the amendment,

Senator McDonald, for; and Senator Terrell, against; Senator Burney, moved to reconsider the vote by which the amendment of Senator Abercrombie was adopted, and the motion was adopted, and the vote reconsidered.

On motion of Senator Bell,

The bill was recommitteed to Judiciary Committee No. 1.

On motion of Senator Claiborne,

The resolution introduced by him Friday, was referred to Judiciary Committee No. 1.

SENATOR DOUGLASS OF GRAYSON,

By leave,

Offered the following resolution:

That the special committee of the Senate, appointed to visit the penitentiaries, be, and is hereby, authorized to employ a clerk, whose compensation is to be paid out of the contingent fund of the Twentieth Legislature; said clerk to act for the joint committee of the two houses, appointed to visit the penitentiaries.

SENATOR CALHOUN

Objected to the adoption of the resolution.

SENATOR UPSHAW

Moved its adoption.

Adopted.

A message was received from the House announcing the passage of the following bills:

Senate bill No. 36. "An act to repeal chapter 45, of the General Laws of Texas, passed by the Seventeenth Legislature, and approved March 15, 1881," with House amendment.

And House bill No. 113. "An act to divide the western portion of Tom Green county in six new counties"

And House concurrent resolutions No. 11. "Relative to the discharge of General W. P. Hardeman from the Agricultural and Mechanical College."

Also, that the House has adopted the Senate concurrent resolution relative to a revision of the joint rules of the two houses.

On motion of Senator McDonald, Senator Armistead was excused for one week from to-morrow, on account of important business.

On motion of Senator Bell, Senator Gregg was excused for three days after to-day, on account of important business.

On motion of Senator Woods, The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEX., February 8, 1887. }

The Senate met pursuant to adjournment,

Lieutenant-Governor T. B. Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of yesterday was dispensed with.

Senator Abercrombie asked to have the bill he introduced yesterday (Senate bill No. 193) referred to Judiciary Committee No. 2, and it was ordered so referred.

Senator Woodward asked to have the journal corrected to show that the bill he introduced yesterday was for the relief of "J. M. Crain," and not "J. W. Crain."

Journal corrected.

The error was a misprint.

PETITIONS AND MEMORIALS.

BY SENATOR M'DONALD:

Protest of citizens of Fannin county, against the Moore insurance bill.

Referred to Committee on Insurance, Statistics and History.

COMMITTEE REPORTS.

BY SENATOR TERRELL:

COMMITTEE ROOM, }

AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 140, entitled "An act to legalize and validate the ordinances of cities and towns where said ordinances impose a fine for their violation, and have not been published in the official journals, as required by law, and to give force and effect to the same, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred House bill No. 35, entitled "An act to amend the Revised Civil Statutes of the State of Texas, title 29, by adding thereto Article 1297a, so as to require all issues of law in civil jury trials, to be decided by the courts, before cases are argued to the jury, and to amend Article 1299 thereof," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 7, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 125, entitled "An act to fix the venue in civil suits instituted in behalf of the State," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The bill seeks to fix the venue of such suits in Travis county.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.